

UNITED STATES DISTRICT COURT

Jury demand date: 10-16-67 by defendants in answer.
(waived)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
National Dividend Club, Inc., a corporation, National Dividend Club of the West, Inc., a corporation, and John T. Bessesen, an individual, vs Sharin' O' The Green, a corporation, Cane Springs Oil & Minerals Corp., a corporation, Joel Green, an individual, D. L. McDaniel, an individual, Donald L. Hawes, an individual and J. W. Garner, an individual,		For plaintiff: William S. Dorman, 1216 National Bank of Tulsa Bldg., Tulsa, Okla., 74103 LU 2-8201 					

1967 DATE	PROCEEDINGS	Date Order or Judgment Noted
9-13-67	Complaint, filed. Summons Issued. e	
9-22-67	Return on service of summons, filed. Served Cane Springs Oil & Minerals Corp. by serving Jeanie Dahlgren, Service Agent, at Oklahoma City, Okla, on 9-21-67. (\$4.48) ds	
9-29-67	Letter (Form AO 120) mailed to Commissioner of Patents, Wash. D. C. ds	
10-9-67	Motion of defendant, Sharin' O' The Green, Inc. for enlargement of time to file responsive pleadings, filed. g	
10-9-67	Brief in support of motion for enlargement of time to file responsive pleadings, filed. g	
10-10-67	Order granting defendants 15 days in which to answer, filed. (AEB-J) e	
10-10-67	Answer of Bowl Ero, Inc., filed. e	
10-12-67	Order of 10-11-67 that defendant, Sharin' O' The Green, Inc., is granted until 10-26-67 to file a responsive pleading, filed. (Luther Bohanon-J) b	
10-16-67	Statement of Jack R. Givens, Counsel, respecting representation of only Cane Springs Oil & Minerals Corp., D. L. McDaniel, Donald L. Hawes and J. W. Garner, filed.	
10-16-67	Answer of Cane Springs Oil & Minerals Corp., D. L. McDaniel, Donald L. Hawes and J. W. Garner, filed, with demand for jury trial. b	
10-18-67	Motion of defendant Joel Green for enlargement of time to file responsive pleadings, filed. g	
10-18-67	Brief in support of motion for enlargement of time to file responsive pleadings, filed. g	
10-18-67	Order extending time to 10-26-67 to file responsive pleadings, filed. (FD-J)g	
10-26-67	Answer of Sharin' O The Green Inc and Joel Green, filed. g	
10-31-67	Summons returned and filed: Served Donald L. Hawes, personally at Tulsa on 9-15-67; Served J. W. Garner personally at Tulsa on 9-15-67; Served Sharin O' the Green, Inc., by serving William D. Borders, Service Agent at Tulsa on 9-19-67; Served Joel Green personally at Tulsa on 9-27-67; Served D. L. McDaniel personally at Tulsa on 10-30-67. e	
11-7-67	Filing of Copyright Deposits, filed. e	
11-10-67	Ordered by the Court that this case is set for pre-trial on Monday, December 11, 1967 at 1:30 P. M. (Luther Bohanon - Judge) b	
12-11-67	Case came on for pre-trial. Statements made and trial by jury waived. Ordered by the court that defendant Joel Green granted 20 days to file amended answer and cross complaint and parties 60 days in which to submit briefs. Parties waive jury trial and question of infringement and liability to be set for hearing before the court. (LB-J)h	
1-9-68	Motion of defendant Joel Green and Sharin' O' the Green, Inc., for enlargement of time to file a counterclaim, filed.	
1-9-68	Order filed, enlargement of time for Joel Green and Sharin' O' the Green, Inc., to file amended answer and counterclaim extended until February 8, 1968. (Luther Bohanon - Judge) b	
1-15-68	Ordered by the Court that this case is set for non-jury trial on Thursday, February 15, 1968 at 1:30 P. M. (Luther Bohanon - Judge) b	
1-18-68	Plaintiffs' First Interrogatories to defendants, filed. w	
1-18-68	Plaintiff's motion for production of documents and things for inspection, copying or photographing in accordance with FRCP Rule 34, filed. b	
1-18-68	Plaintiff's brief in support of motion under Rule 34 FRCP, filed. b	
1-23-68	Ordered by the Court that this case is stricken from the trial assignment of February 15, 1968; and that the motion for production of documents and things for inspection, copying or photographing in accordance with F.R.C.P. Rule 34 filed by the plaintiff, is granted. (Luther Bohanon - Judge) b	
1-26-68	Objection of defendants, Cane Springs Oil & Minerals Corp., D. L. McDaniel Donald L. Hawes and J. W. Garner, to interrogatory, filed. b	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
1-26-68	Authorities in support of objections to interrogatory by defendants, Cane Springs Oil & Minerals Corp., et al. b	
1-31-68	Plaintiffs' brief in opposition to defendants' objection to interrogatory No. 13, filed. b	
2-2-68	Defendants Joel Green and Sharin' O' the Green, Inc.'s application for extension of time to answer interrogatories of the plaintiff, filed. b	
2-5-68	Order filed, that defendants Joel Green and Sharin' O' the Green, Inc., is granted to February 22, 1968 to answer plaintiff's interrogatories, (Luther Bohanon - Judge) b	
2-5-68	Amendment to Answer of Sharin' O' the Green, Inc., and Joel Green, defendants, filed. w	
2-12-68	Stipulation regarding time for submission of briefs, and Order that parties be granted until 3-10-68 to submit briefs, filed. (LB-J) w	
2-13-68	Motion for order permitting filing of counterclaim, filed. w	
2-13-68	Order permitting filing of counterclaim, filed. (LB-J) w	
2-13-68	Counterclaim of defendant, Joel Green, filed. w	
2-15-68	Plaintiff's second interrogatories to defendants, filed. b	
2-15-68	Ordered by the Court that this case is stricken from the non-jury trial assignment of this date. (Luther Bohanon - Judge) b	
2-23-68	Motion to dismiss "Counterclaim of Defendant, Joel Green" filed.	
2-23-68	Brief in support of plaintiffs' motion to dismiss counterclaim filed. h	
3-5-68	Deposition of Dewey J. Jones, taken on 2-19-68 at Dallas, Texas before Carl T. Black, NP., filed. (Fee \$) b	
3-15-68	Order filed, that the parties have one week after the answers to the interrogatories by the defendants, within which to file their briefs which were due on 3-11-68; that the defendants provide the answers to the interrogatories forthwith; and will also provide the documents requested in connection with plaintiffs' motion under Rule 34. (Luther Bohanon-Judge) b	
4-5-68	Answer of defendants Cane Springs Oil & Minerals Corp., D. L. McDaniel, Donald L. Hawes and J. W. Garner to plaintiffs' first interrogatories, filed. w	
4-8-68	Ordered by the Court that the objection to interrogatory of defendants, Cane Springs Oil & Minerals Corp., D. L. McDaniel, Donald L. Hawes and J. W. Garner is overruled as agreed to by the parties; that the motion of plaintiff to dismiss counterclaim of defendant, Joel Green is overruled and Rickesecker is to be joined; that the interrogatories are to be answered by Donald L. Hawes within 1 week; pre-trial order to be prepared; and corporate minutes of 5-20-67 are to be produced. (LB-J) b	
4-17-68	Order of 4-8-68 filed, that defendants' objection to plaintiffs' interrogatory No. 13 is withdrawn, same has been answered; plaintiff's motion to dismiss the counterclaim of Joel Green is overruled, James C. Ricksecker be made a party defendant providing a certain action pending in State of Minnesota be dismissed; plaintiffs be given 20 days thereafter to respond to the counterclaim; defendants Sharin' O' the Green, Inc., and Joel Green given one week to answer to plaintiffs' second interrogatories to defendants; and they are given one week to file Exhibits A C D and E; Cane Springs Oil and Minerals Corp. etc given one week from date to file copies of the minutes of the meeting of 5-20-67, (Luther Bohanon - Judge)	
5-27-68	Deposition of Donald L. McDaniel, on behalf of plaintiffs, before Timothy Holmes, CRS, filed. (\$56.00)	
5-27-68	Deposition of John T. Bessesen on behalf of defendants, and depositions of Joel Green and Donald L. Hawes on behalf of plaintiffs, filed. (Deft. \$105.00; Pltf. \$222.00)g Timothy Holmes, CSR.	
8-1-68	Counterclaim of defendant, James Curtis Ricksecker, filed. ds	
8-9-68	Application For Leave To Withdraw As Attorneys of Record, filed. js	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
8-13-68	Order authorizing attorneys to withdraw (Jones & Givens and Head & Johnson) for defendants, filed. (LB-J)w	
12-6-68	Plaintiffs' motion and brief for default judgment, with affidavit in support of motion, filed. m	
12-20-68	Hearing held on plaintiffs' motion for default judgment. Ordered that the motion is sustained and that judgment be rendered for the plaintiffs against the defendants. Plaintiff to prepare judgment and decree of liability. Defendant granted permission to withdraw as counsel for Sharin' O' The Green and Joel Green & shall submit an application and order. Case set for hearing on testimony as to amount of damages the defendants have caused the plaintiffs on Tuesday, Jan. 14, 1969. (LB-J)(FS-CSR)m	
1-7-69	Order filed that the plaintiffs have judgment against defendants Sharin' O'the Green, Inc, and Joel Green for the relief prayed for, and further ordered that the question of damages against defendant be set down for hearing on 1-14-69, and further ordered that the counterclaims of Joel Green and James C. Ricksecker be dismissed.(Luther Bohanon-Judge)h	
1-10-69	Application of defendant, Joel Green, to vacate entry of default and for permission to answer interrogatories, filed. ds	
1-14-69	Ordered by the Court that the application of defendants to vacate entry of default and permission to answer interrogatories is overruled, hearing held on amount of damages, witness sworn and testified. Judgment entered against the defendants in the amount of \$271,870.00 and supersedeas bond is fixed in the amount of \$325,000.00. Plaintiff to prepare Findings of Fact and Conclusions of Law and judgment. (Luther Bohanon - Judge) (FS=CSR) b	
1-24-69	Defendant Joel G. Green's motion for new trial, filed. m	
1-24-69	Defendant Green's brief in support of deft's motion for new trial, filed. m <i>mailed</i>	
1-30-69	Findings of Fact and Conclusions of Law relating to defendants Sharin' O' The Green, Inc. and Joel Green, filed. (LB-J)m	
1-30-69	Order dated 1-28-69, filed and entered, that plaintiffs recover of defts. Joel Green & Sharin' O' The Green the sum of \$271,870.00 with 10% interest and costs of action, and that defts. be enjoined from copyright infringement, unfair competition, unfair trade practices & breach of fiduciary relationship. (LB-J)m	
2-4-69	Motion of Joel G. Green to vacate ex parte "Findings of Fact and Conclusions of Law" filed. h	
2-4-69	Brief in support of motion to vacate Ex Parte "Findings of Fact and Conclusions of Law" filed. h	
2-5-69	Hearing held on deft. Joel G. Green's motion for new trial. Motion overruled and order denying motion for new trial is filed in open court. Motion of deft. Joel G. Green to vacate ex parte F/F & C/L is overruled and it is ordered that action is dismissed without prejudice as to defts. Cane Springs Oil & Minerals Corp. D. L. McDaniel, Donald L. Hawes and J. W. Garner for want of prosecution. Deft. to prepare order. (LB-J)m	
2-17-69	Motion to vacate dismissal, filed. ds	
2-17-69	Plaintiff's brief in support of motion to vacate dismissal, filed. ds	
3-7-69	Notice of appeal by defendant Joel Green, filed. Copy mailed to USCA, and Wm. S. Dorman. g	
3-7-69	Bond for costs on appeal with \$250.00 cash, filed. g	
3-12-69	Issued writ of execution against Joel Green and Sharin' O' The Green at request of William S. Dorman. e	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
3-19-69	Writ of execution, returned & filed; served Joel Green by serving his attorney, Wm. D. Borders, ^{on 3-14-1969} and making demand; no property found. (USM \$3.00)	
3-19-69	Writ of execution, returned & filed: served Sharin' O' The Green, Inc., by serving Wm. D. Borders as service agent, at Tulsa, Okla., on 3-14-69; no property found. (USM \$3.00)	
4-9-69	Case called for hearing on plaintiffs' motion to vacate dismissal. Ruling on motion held in abeyance and case passed to next motion docket. (LB-J)(FS-CSR)m	
4-11-69	Order denying plaintiffs' motion to vacate dismissal of action against defendants Cane Springs Oil & Minerals Corp., D. L. McDaniel, Donald L. Hawes and J. W. Garner, filed. (LB-J)m (copies mailed counsel)	
4-16-69	Order, granting plaintiff's motion to vacate dismissal of this action, as to Cane Springs Oil & Minerals Corp., D. L. McDaniel, Donald L. Hawes and J. W. Garner, filed. ds	
4-29-69	Case set for non-jury trial as to defts. Cane Springs Oil & Minerals Corp., D. L. McDaniel, Donald L. Hawes and J. W. Garner on Tuesday, 5-13-69 at 1:30 p.m. (LB-J)m	
5-13-69	List of plaintiffs' trial exhibits, filed. m	
5-13-69	Plaintiffs' pretrial brief, filed. m	
5-13-69	Pre-trial brief of Cane Springs Oil and Minerals Corporation, D. L. McDaniel, Donald L. Hawes and J. W. Garner, filed. m	
5-13-69	Case called for non-jury trial and passed to 9:30 a.m. 5-14-69. (LB-J)m	
5-14-69	Case called for non-jury trial as to defts. Cane Springs Oil & Minerals Corp., D. L. McDaniel, Donald L. Hawes and J. W. Garner. Pltf. moves to dismiss action as to J. W. Garner without prejudice and Court will enter an order dismissing J. W. Garner from case. Parties to prepare and file suggested F/F & C/L with briefs simultaneously within 20 days. (LB-J)(FS-CSR)m	
5-19-69	Motion To Dismiss of Defendants, Cane Springs Oil and Minerals Corp. D. . McDaniel and Donald L. Hawes, filed, with brief attached. js	
6-3-69	Plaintiffs' suggested F/F & C/L relating to defendants Cane Springs Oil & Minerals Corp., D. L. McDaniel and Donald L. Hawes, filed. m	
6-3-69	Plaintiffs' final brief, filed. m	
6-3-69	Suggested f/f and c/l of defendants, Cane Springs Oil and Mineral Corporation, D. L. McDaniel and Donald L. Hawes, filed. m	
6-3-69	Brief of defendants, Cane Springs Oil and Minerals Corporation, D. L. McDaniel and Donald L. Hawes in support of suggested F/F and C/L, filed. m	
6-6-69	Findings of Fact and Conclusions of Law, filed. (LB-J)m	
6-6-69	Judgment, filed and entered, that pltf. take nothing and that defts. Cane Springs Oil and Minerals Corporation, D. L. McDaniel, and Donald L. Hawes have judgment against pltf. and judgment for their costs, (LB-J)m (Copies mailed)	
6-16-69	Motion for new trial under Rule 59, filed. m (of plaintiff)	
6-16-69	Plaintiffs' brief in support of motion under rule 59, filed. m	
6-19-69	Transcript of proceedings on plaintiffs motion for default judgment, filed. Frank M. Sickles, CSR. ds	
8-4-69	Hearing held on pltf's motion for new trial under Rule 59, and motion is overruled. (LB-J)m	
8-7-69	Order overruling motion for new trial under Rule 59, filed and entered. (LB-J)g	
9-3-69	Notice of appeal by plaintiffs against defendants Cane Springs Oil & Minerals Corp., D. L. McDaniel and Donald L. Hawes, filed. Cpy to USCA and Thomas R. Brett. g	

-continued-

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-4-69	Bond for costs on appeal (\$250.00 cash), filed. g	
9-10-69	Notice to appellee pursuant to Rule 10 of Federal Rules of Appellate Procedure, filed. g	
10-9-69	Request for extension of time for transmission of the record, with order granting plaintiffs until 12-2-69 to transmit record on appeal, filed. (LB-J)m <i>copy mailed USCA</i>	
11-24-69	Transcript of motions, trial and other proceedings, filed. FS-Rptr. (orig. + 1 cpy.)g	
12-1-69	Record on appeal (6 vols.) forwarded to USCA, Denver. g	
9-23-70	CC of Order of USCA, 10th Circuit, dismissing appeal upon joint stipulation of parties, filed. g	
1-8-74	Order of disbursement, filed, directing Clerk to pay to William S. Dorman the amt. of \$250.00 for refund of cash appeal bond. (LB-J)hm (copy mailed Dorman)	
6-10-77	Partial release of judgment, in re: Lot 2, Block 4, MICHAEL HEIGHTS EXTENDED ADDITION to the City of Tulsa, Tulsa County, State of OK. fld. ho	